

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

DAVID W. CREVELING,

Plaintiff,

v.

CALVIN TRESER, CONNIE ITEN,  
SUSAN BURGDORFF-BEERY,  
JOHN DOE 1-200 (to be formally  
named as known), JANE DOE 1-200  
(to be formally named as known),  
WASHINGTON STATE  
DEPARTMENT OF ECOLOGY,  
WASHINGTON STATE  
DEPARTMENT OF FISH AND  
WILDLIFE, JAY MANNING,  
Director, KOENINGS,  
WASHINGTON STATE,

Defendants.

NO. CV-06-208-RHW

**ORDER DENYING PLAINTIFF'S  
MOTIONS FOR  
RECONSIDERATION**

Before the Court is Plaintiff's Motion for Reconsideration (Ct. Rec. 37). Plaintiff has asked the Court to reconsider its order that granted Defendant's motion for summary judgment and denied Plaintiff's motion for summary judgment (Ct. Rec. 35). The motion was heard without oral argument.<sup>1</sup>

**DISCUSSION**

Under Fed. R. Civ. P. 59 (e), a motion for reconsideration should not be granted,

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<sup>1</sup>Pursuant to LR 7.1(h)(3), the Court determined that oral argument was not warranted.

1 absent highly unusual circumstances, unless the district court is presented with the need  
2 to correct a clear error or prevent manifest injustice, newly discovered evidence is  
3 introduced, or there is an intervening change in the controlling law. *389 Orange Street*  
4 *Partners v. Arnold*, 179 F.3d 656, 665 (9th Cir. 1999). Thus, to succeed in a motion for  
5 reconsideration, a party must set forth facts or law of a strongly convincing nature to  
6 induce the Court to reverse its prior decision. *See Kern-Tulare Water Dist. v. City of*  
7 *Bakersfield*, 634 F. Supp. 656, 665 (E.D. Cal. 1986), *aff'd in part and rev'd in part on*  
8 *other grounds*, 828 F.2d 514 (9th Cir. 1987).

9 Here, it is not clear on what basis Plaintiff is relying upon in his motion for  
10 reconsideration. In his pleading, Plaintiff did not provide the Court with any evidence  
11 that it committed clear error, there is newly discovered evidence, or that there has been  
12 an intervening change in the controlling law.

13 Accordingly, **IT IS HEREBY ORDERED:**

14 1. Plaintiff's Motion for Reconsideration (**Ct. Rec. 37**) is **DENIED**.

15 **IT IS SO ORDERED.** The District Court Executive is hereby directed to enter  
16 this Order, and to furnish copies to counsel and Plaintiff.

17 **DATED** this 16<sup>th</sup> day of October, 2006.

18 *s/ Robert H. Whaley*

19 ROBERT H. WHALEY  
20 Chief United States District Judge

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